

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:11-CR-167-RJC-DCK**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 v.)
) **ORDER OF CONTINUING**
 KELLY OSBORNE,) **GARNISHMENT**
)
 Defendant,)
 and)
)
 NATIONAL SEATING & MOBILITY, INC.,)
)
 Garnishee.)
 _____)

THIS MATTER IS BEFORE THE COURT on the “Answer Of Garnishee” (Document No. 28) filed by National Seating & Mobility, Inc., as the Garnishee, on July 13, 2021. Judgment in the criminal case was filed on February 2, 2012 (Document No. 15). As part of that Judgment, Defendant was ordered to pay an assessment of \$100.00 and restitution of \$97,953.05 to the victims of the crime. Id.

On April 22, 2021, the Court entered a Writ of Continuing Garnishment (“Writ”) (Document No. 22) as to the Garnishee, National Seating & Mobility, Inc. Defendant was served with the Writ and Instructions notifying her of her right to request a hearing on April 28, 2021, and the Garnishee was served on April 30, 2021. This Court denied the request for a hearing on May 12, 2021 (Document No. 27). The Garnishee filed an “Answer...” on July 13, 2021 (Document No. 28) stating that at the time of service of the Writ, the Garnishee had in its custody, control or possession property or funds owned by Defendant, including non-exempt, disposable earnings.

IT IS, THEREFORE, ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$93,431.05 computed through April 2, 2021. The Garnishee will pay the United States up to the lesser of: (1) twenty-five percent of the Defendant's disposable earnings which remain after all deductions required by law have been withheld; or (2) the amount by which the Defendant's disposable earnings for each week exceed 30 times the federal minimum wage. See 15 U.S.C. § 1673(a). The Garnishee will continue payments until the debt to Plaintiff is paid in full, or until the Garnishee no longer has custody, possession or control of any property belonging to Defendant, or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

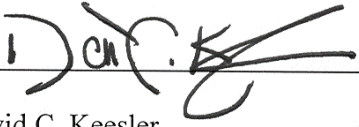
In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:11CR0000167.

IT IS FURTHER ORDERED that the Garnishee will advise this Court if Defendant's employment is terminated at any time by the Garnishee or Defendant.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: September 15, 2021



David C. Keesler
United States Magistrate Judge

